

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]

in re Accounts of Armin Eisinger

Claim Number: 501172/WI

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Armin Eisinger (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, Armin Eisinger, who was born in 1902 in Vienna, Austria, and was married to [REDACTED]. The Claimant indicated that her uncle, who was Jewish, lived in Vienna prior to the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), and that he was a businessman. The Claimant further indicated that her uncle left Vienna for Brünn (Brno), Czechoslovakia (today the Czech Republic), in 1937. The Claimant further indicated that her family did not hear anything from her uncle until 1950, when they learned that he apparently fled Czechoslovakia for the United States sometime during the Second World War. The Claimant also indicated that, to her knowledge, her uncle deposited assets in Swiss banks in Zurich and Lugano, Switzerland. Finally, the Claimant indicated that her uncle did not have any children, and that she is likely his only surviving relative.

The Claimant submitted copies of: (1) her own certificate of ancestry, indicating that [REDACTED] was born to [REDACTED] and [REDACTED] on 19 July 1917 in Lundenburg

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Armin Eisinger is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

(Breclav), Czechoslovakia, and that she was classified as “of mixed Jewish blood” (*Mischling*) according to the Nuremberg Laws of 14 November 1935 because she had two full-blooded Jewish grandparents; and (2) correspondence she had received from her uncle, indicating that Armin Eisinger resided in Miami Beach, Florida, the United States as of 4 May 1972.

The Claimant indicated that she was born on 19 July 1917 in Breclav.

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was Armin Eisinger, who resided in Vienna, Austria and Brünn (Brno), Czechoslovakia. The Bank’s record indicates that the Account Owner held one demand deposit account, which was opened on 20 June 1931, and one custody account, numbered L 53917, which was opened on 22 February 1935. The Bank’s record further indicates that the demand deposit account was closed on 10 October 1938 and that the custody account was closed on 19 December 1938. The amounts in the accounts on the dates of their closure are unknown.

There is no evidence in the Bank’s record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s paternal uncle’s name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner’s first city of residence and second city and country of residence, which match unpublished information about the Account Owner contained in the Bank’s record.

In support of her claim, the Claimant submitted documents, including correspondence she had received from her uncle, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s record as the name of the Account Owner.

The CRT notes that the name Armin Eisinger appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”). The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that he left Austria for

Czechoslovakia, where he resided in Nazi-occupied Czechoslovakia, and that he subsequently fled to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's paternal uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of a correspondence she had received from her uncle. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of her own certificate of ancestry, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the accounts were closed on 10 October and 19 December 1938, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record do not indicate to whom the accounts were closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability, and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the accounts proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her paternal uncle, and that

relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”) and the average value of a custody account was SF 13,000.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 189,250.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 October 2007